

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

ORDER

S.B. CIVIL WRIT PETITION No.916/2001
GRAM PANCHAYAT BANUDA Vs STATE OF RAJ. & Ors.

DATE OF ORDER ::: 8.1.2007

PRESENT

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Biri Singh for the petitioner.
Shri S.L. Songara for respondents.
Smt. Nirmala Sharma, Addl. Government Advocate.

Heard learned counsel for the parties.

Gram Panchayat, Banuda has come up by this writ petition against the order dated 23.1.2001 passed by the Director, Panchayati Raj Department, Rajasthan, whereby he sanctioned allotment of land measuring 80 sq.yd. in favour of Dr. Bheem Rao Ambedkar Vikas Mandal Sanstha (respondent No.5) and has also challenged the consequential order dated 13.2.2001 passed by the District Collector, Sikar,

allotting the aforesaid plot.

Shri Biri Singh, learned counsel for the petitioner argued that the land has been allotted to the respondent No.5 on unfounded assumption that this land was earlier in their possession. In fact, the Gram Panchayat in the presence of Tehsildar had removed the encroachment of respondent No.5 on 24.8.2000. This step was taken pursuant to a resolution passed by the Gram Panchayat. It is only some antisocial elements who are raising a boggy about removal of the statue of Dr. Bheem Rao Ambedkar which is totally false. When the Gram Panchayat received a letter of Block Development Officer, Panchayat Samiti Dantaramgarh to make allotment of the land in question to the respondent No.5, it constituted a committee to go into the matter and the said committee submitted its

report to the Gram Panchayat on 2.10.2000 mentioning therein that there was no vacant plot in the Abadi area which can be allotted for the purpose of Dr. Ambedkar Bhawan and recommended that a piece of land can be allotted to them out of the pasture land adjacent to the village. Gram Panchayat in its meeting dated 2.10.2000 recommended that a plot of 100 sq.yd. to the respondent No.5 from Khasra No.342 of such pasture land and sent a copy of such resolution to the Chief Executive Officer, Zila Parishad, Sikar on 29.9.2000. The respondents however ignoring all these facts, illegally made allotment of the land in question in favour of the respondent No.5.

Smt. Nirmala Sharma, Additional Government Advocate and Shri S.L. Sognara, learned counsel for respondent No.5 have opposed the writ petition and have argued

that the Director of Panchayati Raj Department, Rajasthan and Collector, Sikar had in law the power to make allotment of the land to the respondent No.5. According to them, this land was earlier in possession of the respondent No.5 and when they submitted representation to the Government that they have been wrongly dispossessed and statute of Dr. Ambedkar Rao had illegally been removed, the office of the Collector called for the comments from the Gram Panchayat and asked whether it had any objection with regard to the allotment of land in question to the respondent No.5. The Collector having receiving the objections and having duly taken them into consideration made the allotment, therefore, it cannot be argued that view of the Gram Panchayat have not been considered. It has therefore been prayed that the writ petition

be dismissed.

Having heard the learned counsel for the parties, I find that the claim of the respondent No.5 that it was in possession of the land in dispute prior to its dispossession by the Gram Panchayat and passing the resolution by it, the Government upon consideration of grievances raised by the respondent No.5 has considered it appropriate to make allotment of the same land to it for either constructing the Ambedkar Bhawan and/or setting up the statue of Dr. Bheem Rao Ambedkar. Action of the Government cannot be said to be without the authority of law. Even otherwise, the map/site plan of the plot in question (Annexure 18) to the writ petition, does not show that the allotment of the said land in any manner compromises with the alignment of the road or building line.

I therefore do not find any illegality in the order of allotment of the land in question.

This writ petition being devoid of merits, is therefore dismissed with no order as to costs.

(Mohammad Rafiq), J.

Chauhan/